



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1299

Introduced 2/10/2009, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Vehicle Code. Creates the offenses of driving with a screen device operating, a Class 1, 3, or 4 felony or a Class A misdemeanor depending on specified circumstances, and unlawful installation of television, monitor, or similar device, a Class A misdemeanor. Provides that a person commits the offense of driving with a screen device operating when the person is driving a motor vehicle that has a television, video monitor, portable computer, or any other similar means operating that is capable of providing a visual display in full view of a driver in a normal driving position while the motor vehicle is in motion. Provides that a person commits the offense of unlawful installation of television, monitor, or similar device if the person installs or alters a television, video monitor, portable computer, or any other similar means capable of providing a visual display that is in full view of a driver of a motor vehicle in a normal driving position while the motor vehicle is in motion. Provides several exceptions and an affirmative defense. Renames a "cellular radio telecommunication device" as a "mobile communication device", and modifies the definitions of a "mobile communication device" and "using a mobile communication device" to prohibit text messaging and other similar uses of mobile communication devices (instead of prohibiting just talking, listening to, and dialing telephonic communications) for purposes of expanding a provision prohibiting the use of mobile communication devices by school bus drivers. Repeals a provision relating to the use of video devices while driving. Effective immediately.

LRB096 04503 AJT 14557 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 12-813.1 and by adding Section 12-604.2 as follows:

6 (625 ILCS 5/12-604.2 new)

7 Sec. 12-604.2. Driving with a screen device operating;
8 unlawful installation of television, monitor, or similar
9 device.

10 (a) A person commits the offense of driving with a screen
11 device operating if:

12 (1) the person is driving a motor vehicle;

13 (2) the motor vehicle has a television, video monitor,
14 portable computer, or any other similar means capable of
15 providing a visual display that is in full view of a driver
16 in a normal driving position while the motor vehicle is in
17 motion; and

18 (3) the monitor or visual display is operating while
19 the person is driving.

20 (b) A person commits the offense of unlawful installation
21 of television, monitor, or similar device if the person
22 installs or alters equipment described in subdivision (a)(2) of
23 this Section that allows the images to be viewed by the driver

1 in a normal driving position while the motor vehicle is in
2 motion.

3 (c) Subsections (a) and (b) of this Section do not apply
4 to:

5 (1) portable telephones or personal data assistants
6 being used for verbal communication or displaying caller
7 identification information;

8 (2) equipment that is displaying only:

9 (A) audio equipment information, functions, and
10 controls;

11 (B) vehicle information or controls related to
12 speed, fuel level, battery charge, and other vehicle
13 safety or equipment information;

14 (C) navigation or global positioning;

15 (D) maps;

16 (E) visual information to (i) enhance or
17 supplement the driver's view forward, behind, or to the
18 sides of the motor vehicle for the purpose of
19 maneuvering the motor vehicle or (ii) allow the driver
20 to monitor motor vehicle occupants seated behind the
21 driver;

22 (F) vehicle dispatching and response information
23 for motor vehicles providing emergency road service or
24 roadside assistance;

25 (G) vehicle dispatching information for passenger
26 transport or freight or package delivery; or

1 (H) information for use in performing highway
2 construction, maintenance, or repair or data
3 acquisition by the Department of Transportation and
4 Public Facilities or a municipality.

5 (d) Subsections (a) and (b) of this Section do not apply to
6 devices and equipment installed in an authorized emergency
7 vehicle.

8 (e) It is an affirmative defense to a prosecution under (b)
9 of this section that the equipment installed or altered
10 includes a device that, when the motor vehicle is being driven,
11 disables the equipment for all uses except those described in
12 (c) of this Section.

13 (f) A person who violates subsection (a) of this Section is
14 guilty of:

15 (1) a Class A misdemeanor, unless any of the
16 circumstances described in paragraphs (2) - (4) of this
17 subsection apply;

18 (2) a Class 4 felony if the person's driving causes
19 physical injury to another person;

20 (3) a Class 3 felony if the person's driving causes
21 serious physical injury to another person;

22 (4) a Class 1 felony if the person's driving causes the
23 death of another person.

24 (g) A person who violates subsection (b) of this Section is
25 guilty of a class A misdemeanor.

1 (625 ILCS 5/12-813.1)

2 Sec. 12-813.1. Operation of a school bus while using a
3 mobile communication ~~cellular radio telecommunication~~ device.

4 (a) In this Section:

5 "School bus driver" means a person operating a school bus
6 who has a valid school bus driver permit as required under
7 Sections 6-104 and 6-106.1 of this Code.

8 "Mobile communication ~~Cellular radio telecommunication~~
9 device" means a two or more way communication device ~~capable of~~
10 ~~sending or receiving telephone communications without an~~
11 ~~access line for service and~~ which requires the operator to
12 enter numbers or letters ~~dial numbers~~ manually, and is used for
13 radio-telephone communications used in wireless telephone
14 service, personal communication service, or the functional
15 equivalent of a radio-telephone communications line used in
16 wireless telephone service or a personal communication
17 service. It does not, however, include citizens band radios or
18 citizens band radio hybrids.

19 "Using a mobile communication ~~cellular radio~~
20 ~~telecommunication~~ device" means talking, or listening to, or
21 typing on, or dialing a mobile communication ~~cellular radio~~
22 ~~telecommunication~~ device.

23 To "operate" means to have the vehicle in motion while it
24 contains one or more passengers.

25 (b) A school bus driver may not operate a school bus while
26 using a mobile communication ~~cellular radio telecommunication~~

1 device.

2 (c) This Section does not apply:

3 (1) To the use of a mobile communication ~~cellular radio~~
4 ~~telecommunication~~ device for the purpose of communicating
5 with any of the following regarding an emergency situation:

6 (A) an emergency response operator;

7 (B) a hospital;

8 (C) a physician's office or health clinic;

9 (D) an ambulance service;

10 (E) a fire department, fire district, or fire
11 company; or

12 (F) a police department.

13 (2) To the use of a mobile communication ~~cellular radio~~
14 ~~telecommunication~~ device to call for assistance in the
15 event that there is a mechanical breakdown or other
16 mechanical problem that impairs the safe operation of the
17 bus.

18 (3) To the use of a mobile communication ~~cellular radio~~
19 ~~telecommunication~~ device that has a digital two-way radio
20 service capability owned and operated by the school
21 district, when that device is being used as a digital
22 two-way radio.

23 (4) When the school bus is parked.

24 (d) A school bus driver who violates this Section is guilty
25 of a petty offense punishable by a fine of not less than \$100
26 and not more than \$250.

1 (Source: P.A. 92-730, eff. 1-1-03.)

2 (625 ILCS 5/12-604.1 rep.)

3 Section 10. The Illinois Vehicle Code is amended by
4 repealing Section 12-604.1.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 625 ILCS 5/12-604.2 new

4 625 ILCS 5/12-813.1

5 625 ILCS 5/12-604.1 rep.